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SAVING FARMLAND IN MASSACHUSETTS:

THE
AGRICULTURAL PRESERVATION
RESTRICTION PROGRAM

MASSACHUSETTS DEPARTMENT
OF
FOOD AND AGRICULTURE

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Introduction

The Agricultural Preservation Restriction (APR) Program was established by the legislature in December, 1977, to protect the Commonwealth's rapidly diminishing farmland resources through the purchase of Agricultural Preservation Restrictions, commonly known as development rights. It is a voluntary program whereby farmland owners apply to the Department of Food and Agriculture to sell a restriction on all or a portion of their property. After field inspections, a screening and selection process, appraisals, and approval by the Agricultural Lands Preservation Committee, the Commonwealth acquires these deed restrictions, which run in perpetuity, and prohibit all non-agricultural uses. Title to the land still rests with the landowner who enjoys all the traditional rights of property ownership, except the right to develop the land for non-agricultural purposes.

Since the program's inception, more than 8,518 acres have been protected state-wide. There are also more than 8,684 acres currently under appraisal. During the past five years the legislature has appropriated five million dollars for each of the first four years and twenty million dollars in 1982 for a total of \$40 million to fund the program. The Massachusetts program is now the largest, most active statewide purchase of development rights program in the country and is being used as a model by other states considering similar farmland protection techniques.

Background

During the last forty years, the Commonwealth of Massachusetts has lost nearly three-fourths of its land in farms and one half of its productive cropland as a result of urbanization and changes in the agricultural economy. Tremendous changes have occurred in regards to agricultural technology and resource use.

Farm size, mechanization and capital investment have all increased substantially. Land is used more intensively today and productivity per acre has increased. Consequently, there are fewer farms, farmers and farm laborers. Total farm production has declined somewhat, though not in equal proportion to the decline in the agricultural land base.

As more and more farmland is lost permanently to urbanization, it has become apparent that agriculture is in serious jeopardy of being lost as a viable component of the Massachusetts economy. Sprawling urban development and land speculation subverts farming and inflates the value of available land beyond the financial reach of farmers. If one farm in an area is sold for speculation or development, then farmers in the vicinity begin to lose faith in agriculture's future. As a result, the necessary investments in livestock, equipment, soil fertility and farm buildings are not made and farm income begins to fall. Very few farms are transferred to the next generation, because of high land values and development pressures, and the agricultural community becomes debilitated. In some cases this transition has happened prematurely and excellent agricultural land becomes idle. When land is lost or idled, society loses the benefit of its productive use. The underlying philosophy of the APR program is that this loss of productive cropland must be curtailed and development deflected to the state's millions of non-farm acres.

APR Program Objectives

Together with the Farmland Assessment Act (Chapter 61A M.G.L.), the APR Program is the cornerstone of the state's agricultural land protection policy. The main objective of the Agricultural Preservation Restriction Program is to protect productive farmland through the purchase of deed restrictions and revitalize the agricultural industry by making land more affordable to farmers and their operations more financially secure. The specific goals of the Program include the following:

1. To save the best and most productive agricultural land remaining in the Commonwealth and;
2. To provide an opportunity for farmers to purchase farmland at affordable prices and;
3. To help farmland owners overcome estate planning problems and to address other personal ownership problems such as age, health, retirement and;
4. To release the equity "locked-up" in the land and therefore provide working capital to enable farm operations to become more financially stable and;
5. If other program objectives are met, to protect scenic openspace and environmentally sensitive lands and;
6. To develop a positive attitude among farmers, agribusinessmen, landowners and urbanites that agriculture in Massachusetts is here to stay and that state government recognizes and supports agriculture's important contributions to the state's economy and rural character.

The Agricultural Preservation Restriction Program is the only means for farmland owners to realize the cash equity in their land and at the same time ensure it will remain open and undeveloped. The value of the Agricultural Preservation Restriction (or development rights) is the difference between the full market value of the land and the land's agricultural value. In return for paying for the APR, the Commonwealth receives a deed restriction, in perpetuity, prohibiting any and all activities detrimental to the land's present or future agricultural potential. This cash payment is an investment in the state's agricultural land resource, which will be repaid time and again through the operation of a viable agricultural economy. Three case examples are provided in the Appendix of this report.

The Selection and Decision Making Process

Purchasing development rights is the most effective method for retaining productive farmland in areas under urban pressure. It is less costly and less cumbersome than purchasing the land and then leasing it out to farmers and it can be more effectively administered than the complicated alternative of transferring development rights. Also, purchasing development rights is more permanent in terms of protecting the land than farmland assessment, zoning or agricultural districting. No single land protection technique, however, is the solution for the loss of agricultural land, and as the degree of urban pressure changes, so should the agricultural land protection policies. Typically, in statewide areas, several programs and methods must interact together to accomplish the goal of farmland retention.

Decisions on all properties to be selected by the APR Program rest with a nine member Agricultural Land Preservation Committee. The Committee, established by the enabling legislation, includes the Commissioner of the Department of Food and Agriculture, who is Chairman; the Secretary of Environmental Affairs; the Secretary of Communities and Development; the Chairman of the State's Board of Food and Agriculture and four public members appointed by the Governor, two of whom must be farmers. The State Soil Conservationist from the U.S.D.A. Soil Conservation Service, and the Dean of the University of Massachusetts College of Food and Natural Resources are non-voting members and serve as technical advisors.

In addition to the Committee, there is a staff of two individuals within the Department's Bureau of Land Use who administer the program on a daily basis. The staff conducts all the field work and evaluate the individual applications. All appraisal and legal work handled by outside consultants.

The Committee's decisions are guided by four major criteria established in the enabling legislation and ensuing draft regulations. The criteria are as follows, in order of significance: 1) quality of the soils for agricultural production; 2) degree of threat facing the farm; 3) significance of the farm to the state's agriculture (economic viability); 4) and environmental and community planning objectives.

In submitting the application, the landowners are instructed to include a plan of his or her property outlined on a U.S.G.S. Topographic Map and they must also submit a soils map of their property. The soils map must include a breakdown of the acreage of land possessing Soil Capability Class I, II, III, and IV. This information is readily available from the landowner's local Soil Conservation Service District Office. A cooperative agreement between the Department of Food and Agriculture and the State Conservationist insures that applicants to the APR Program receive this information in a timely fashion. Once the soils information is received, it is checked in the field, and when questions arise as to the suitability of a soil type for agricultural production a Soil Scientist is consulted for technical advice. A majority of the acreage of the farm must be in Capability Class I through IV in order for the farm to be a serious candidate for preservation.

The Massachusetts APR Program has become extremely competitive, and there are more applications on hand than current funding permits. Therefore, the feeling is that the State must protect those farms that are in immediate jeopardy if the program is to be effective. Clearly some farms are threatened, others are not. But many farms cannot be easily placed in these two categories. A farm does not have to be actively on the real estate market to be in jeopardy. If there is a strong probability that once placed on the market a farm would pass to non-farmers, then it is threatened. Also, if building demand is sufficiently high in the area, it is immediately threatened.

Assessing the degree of threat facing a farm's conversion to non-agricultural uses is a task that requires careful judgement. The degree of threat has two aspects: 1) personal circumstances surrounding ownership, such as financial stress, age and health of owner, family problems and so on; and 2) physical characteristics of the land in terms of development potential, such as amount of road frontage, suitability of soils to support on-site sewage disposal systems, availability of water, sewer and utilities, building demand for the area, and local attitudes towards development.

An interview or interviews with the owner is absolutely necessary in order to ascertain the personal circumstances surrounding the owner's decision to submit an agricultural preservation application. In many cases, the prospect of retirement and the necessity of "cashing in" on the land is often the most important reason for submitting an application. Estate settlement and the division of assets among heirs can be another motivating factor. Financial problems such as fire, or dairy cow brucellosis and crop failure can also place a farm in jeopardy.

Sometimes the personal and financial problems of the owner may not be so immediate, but the land may be valuable from a development standpoint and the temptation to sell too hard to resist. Many farmers have sold house lots or parcels of land to pay back taxes, or put children through college, even though they hated to do so. In other cases, the whole character of the neighborhood has changed, and the local attitudes are so pro-development that an individual may decide to sell and move to another area.

The third major criterion, the significance of the farm to the state's agriculture, is another way of saying "how significant is the agricultural resource of this property and how does it relate to other farms in the area." The parcel's economic viability for agriculture is related to this criterion as well.

Since agriculture is scattered throughout the state, the Massachusetts APR Program is statewide in nature. No particular region of the state has been targeted for farmland preservation. Each parcel of land before the Agricultural Lands Preservation Committee must bear some relationship to the farming activities in the area, however, and only after careful consideration is the Committee interested in protecting an isolated farm. The farm must be large enough to stand on its own as an economically viable unit, and it must be significant in terms of its production and an asset to the local community or region. The Program administrators are concerned about the prospect of protecting an individual property, only to have it fail agriculturally and become an island of restricted land beyond the mainstream of the agricultural economy.

Accordingly, we are attempting to build upon those farms already protected, by adding other land nearby so that the overall viability of the farming area is maintained. The protected land can be in different ownership, but it must contribute to the integrity of the farming area.

Parcel size is not necessarily a critical factor. For example, we have protected a seven acre field. But this field was a natural add-on to a large dairy farm which came to depend upon the field's production. If developed into houselots, the field would have detracted from a larger farm and degraded the quality of the area for farming. Protecting that small field had significance far greater than its size alone.

There are many collateral benefits of protecting a farm beyond its agricultural production capabilities. The most important of these in Massachusetts are scenic open space and watershed protection. In many cases communities identify with these benefits more readily, and they can be very important locally. It is rare for a large farm in this state not to have important environmental

attributes, and these attributes have long been identified by the community in their open space or growth policy plans.

At the same time the landowner applies to the state, a portion of the application must be completed by the municipality where the land is located. All the cities and towns are encouraged to actively participate, and their portion of the application queries them on how the protection of the farm fits in with their planning objectives, zoning, and community development goals. The Committee is sensitive to the local comments, but is not bound to act upon a municipality's recommendations. In ninety-five percent of all cases the municipal comments are favorable towards the preservation of farmland.

The task of completing an application at the municipal level is usually handled by the Town's Conservation Commission, but often the Planning Board and Board of Selectmen get into the act. Here the community has an opportunity to comment on the application and often important environmental attributes of the farm are brought to light. For example, in some cases the Conservation Commission has had a policy of acquiring land or easements along a particular brook or pond, and the farm in question is partly comprised of wetlands which border the stream. Thus the protection of the farm is important to the protection of the stream, a resource of importance to the community.

Typically, the Agricultural Lands Preservation Committee meets once a month. Through the use of maps, photographs and a summary sheet the staff present each farm in terms of acreage, location, soils, jeopardy, significance to farming area, and municipal comments. Sometimes one or more of the members of the Committee are familiar with farm in question, at other times when a particularly difficult decision needs to be made members of the Committee visit the farm. All in all, each application gets a complete evaluation

and then a motion is made for a specific course of action. The entire process is an open one and at times applicants or members of the public sit in on the meetings.

From time to time there are particularly hard decisions. For example, the soils on a farm might be suitable for agriculture, but are certainly not the best or the farm might be economically viable, but perhaps only marginally so. Nevertheless, the farm is threatened and is located in an important agricultural area. In cases when the Committee and staff are just not sure what should be the proper course of action, a "field team" of representatives from the Food and Agriculture Department, USDA Soil Conservation Service and Extension Service visit the farm and make another evaluation of the property utilizing the APR criteria. Thus, an objective analysis by these agricultural experts provides the Committee with the information and recommendations necessary for a well-informed decision, even if the choice is a tough one.

The Committee does not use a point system for rating the individual properties. A rating sheet for each property is utilized, but each category receives a high, medium or low rating instead of a numerical designation.

There are several good reasons not to use a numerical rating system. Some people claim that such a system protects against subjective decisions and is less "political" and more "scientific." The allocation of points can be very subjective, however. For example, how do you tell a farmer that his or her farm scored only a 48, when 50 is needed to be selected. Is his or her farm any more or less in need of protection than the one that scored 52? Obviously, the decision is a matter of judgement. The allocation of points does not necessarily protect against favoritism. Whoever allocates the points can always put down a higher point in each category if they favor that particular farm. Some people say

a computer is necessary to do the job, but a computer is not always a substitute for good judgement.

The Appraisal Process

Following the selection process, those farms the Committee wants to protect are nominated for appraisal. All appraisals are handled by independent, professional appraisers who are contracted to do the work by the APR staff.

As mentioned earlier in this report, the value of the Agricultural Preservation Restriction (development rights) is the difference between the land's full market value and its agricultural value. The appraisal process is completed in three steps: 1) determination of market value, 2) determination of agricultural value, and 3) independent review of the market and agricultural value.

The appraisal process is the most important component of the APR Program, because it is the value of the development rights that so often determines the success (or failure) of the individual project. Accordingly, it is of the highest priority that the appraisals are well thought out and accurate. The objective of the Program is to pay a fair price for the restriction, but at the same time ensure that the taxpayers dollars are sent prudently and not wasted on land that may not have development potential. In many cases percolation tests are done to confirm whether the land can legally be developed under the states' Environmental Code, and market demand for residential, industrial or commercial use must be demonstrated in order to justify the full value of the property.

The agricultural value is determined by utilizing the income capitalization approach based on the type of farming enterprise most likely to occur on the property. Comparable sales of restricted land are also employed. The APR Program's agricultural appraisers have recently undertaken a research project aimed at improving the data base and methodology of the agricultural appraisal process.

Once the market value and agricultural value and reports are completed they are reviewed by another independent professional appraiser to uncover any potential errors or oversights. The review appraiser visits the farm and inspects the comparable sales. When the review appraisers summary report is completed, it is forwarded to the property owner with a cover letter explaining the results. The landowner then critiques the report and raises any questions about the appraisal. If questions arise that the program administrator cannot answer, the review appraiser is asked to meet with the property owner and staff to discuss the appraisal.

If the landowner is still in disagreement as to the value, they may engage their own appraiser. If their position cannot be supported by market information, the Department of Food and Agriculture's review appraiser has the final say. The program is always receptive to landowner's remarks about the appraisal of their farmland. If agreement cannot be reached at one point in time, the project will be reconsidered when the land market reflects a positive change for the landowner. The Program staff tries to be successful with every project nominated for appraisal.

Working With Private Land Trusts

The Massachusetts APR Program tries to be flexible in its approach in order to accomodate the varied circumstances one encounters in protecting large farm properties. The state program acts alone in cases where landowners wish to sell only their development rights, and the overall cost is not excessive. If the owner decides to sell the whole farm, however, the assistance of a private land trust can be employed.

At times an excellent farm property may come on the market, but the owners do not wish to apply to the APR Program and wait for all of the administrative details to be worked out. Nevertheless, the owners would like to protect the farm and in these instances the APR Program may refer them to a private land trust. The trust brings a number of advantages, but most importantly the ability to act faster than the state to secure a property before it is lost to development.

We are fortunate to have in Massachusetts a private, non-profit, conservation trust working statewide to protect farmlands, call the Massachusetts Farm and Conservation Lands Trust (MFCLT).

The MFCLT has identified four typical situations where its involvement may be essential to save as valuable farm property:

- the owner must sell outright, or simply has no interest in applying to the APR Program;
- in order to reach agreement with the owner, the negotiation process may be lengthy or difficult;
- there is an opportunity for limited development of portions of the property -- those less well suited to modern agriculture -- to reduce the costs of acquisition;
- there is no obvious, qualified buyer available for the farmland once it is placed under restriction; and thus there is a need to screen prospective farm purchasers carefully to select one who will make the most productive use of the land. .

It is important to emphasize that the APR projects carried out by MFCLT subject to the same criteria and procedures as any other projects authorized by the Agricultural Lands Preservation Committee. In many cases, MFCLT acts after

a specific referral by the Department of Food and Agriculture; and MFCLT may bring independent projects for consideration by the APR Program.

Municipal and Private Contributions

The original legislation approved in 1977, provided for cost-sharing the purchase of agricultural preservation restrictions with cities and towns. To date, \$452,601. has been received from 24 municipalities in support of 39 projects.

Contributions received and accepted by the Agricultural Lands Preservation Committee permit co-holder status of the restriction. This means that municipalities participate in the surveillance of the restricted property and if a petition for re-purchase of the restriction is ever submitted to the Legislature a town meeting vote, as well as the two-thirds vote of the Legislature is required to release the restriction.

Cash contributions from municipal conservation funds and specific town warrant articles on behalf of farm properties under consideration by the Agricultural Lands Preservation Committee have been received by the APR Program. The results of this effort were mentioned above and the annual amounts are shown in Table 3.

In January, 1983 the Program received its first gift of an agricultural preservation restriction on town-owned agricultural land. The Town of Easthampton voted overwhelmingly to permanently restrict its "Town Farm" which totals 55 acres of land. It is presently rented to a farmer and is a key property linking farmland owned by other farmers in town. Without the restriction the town may have developed the property or sold it to a developer.

The gift of the restriction accomplished two objectives:

1. The agricultural integrity of the area was maintained and;

2. the gift will enable the Town of Easthampton to be a co-holder on any future agricultural preservation restrictions purchased by the Commonwealth in the Town.

Legislation is presently being considered which would permit the APR Program to receive gifts of money from private sources. Non-profit organizations as well as individuals and corporations would then be able to contribute gifts on behalf of the program in general or for specific projects. They would then be eligible to be a co-holder of the restriction and/or realize an income tax deduction. One of the program's objective is to unite private sector conservation action with a public program, thereby strengthening the program and making the limited public sector resources go further.

Publicizing the APR Program - Statewide and Nationwide

The staff participated in several workshops during the year aimed at furthering landowner and public understanding of the Program and the steps involved in processing an APR application. In October, 1982 the staff participated in two national workshops on the purchase of development rights, sponsored by the National Association of State Departments of Agriculture.

The Massachusetts APR Program was given top billing as an exemplary program in terms of administration, legislative support and public participation. The staff detailed the Massachusetts program and distributed information packets containing all the forms and legal documents typically used on each project.

Members of the staff of both Rhode Island and Connecticut Farmland Preservation Programs have subsequently come to Boston to meet with the APR staff. The APR Program was also featured in a land trust workshop held in Holyoke sponsored by the Connecticut River Valley Farmland Retention Program.

Two separate day-long APR training sessions were held for staff personnel from the Extension Service and Soil Conservation Service. The APR staff and review appraiser, James Czupryna presented details of the administrative and appraisal process and showed attendees how to assist landowners in filling out application forms.

In June, 1983 the Extension Service sponsored a Saturday morning workshop "Saving Farmland in the Connecticut River Valley." It was well attended and enabled the staff to explain the program to landowners in this agriculturally important part of the Commonwealth.

Current Status of the APR Program

The general status of all applications received as of June 30, 1983 is categorized in Table 1. There are six status categories. Status A are those applications that have received payment and the property has been restricted. Payment is pending for Status B applications until a title search has been completed and the necessary paperwork has been completed. Applications in Categories C and D are under appraisal. If agreement as to value is obtained, then they will proceed to Status B if the Agricultural Lands Preservation Committee approves. When additional funding is received, or as projects are completed worthy applications in group E will be nominated for appraisal. Status F applications have been rejected for not meeting minimum program criteria and long run program objectives. Without significant changes, the application would not be reconsidered. Applications in category F are low priority compared to groups A-E. However, over time the application could be selected if land improvements were made or if a significant financial contribution was made by the municipality.

A summary of program expenditures is presented in Table 2. As of June 30, 1983, the APR Program expended \$14,224,000. and has committed \$15,631,200. to projects under appraisal. A total of \$570,649. was expended on the administrative costs of implementing the program. The largest expenditures were for appraisal and legal work. Administrative costs are only four (4) percent of the overall program expenditures. Municipalities have contributed a total of \$452,601. toward the purchase of agricultural preservation restrictions with the Commonwealth. This amounts to three point eight (3.8) percent of the total acquisition costs, or almost the entire administrative cost of the program.

Since January, 1979, a total of 362 applications have been received by the program representing 35,810 acres of land. A total of 12 counties and 146 municipalities are represented. (See Table 4). There are 351 cities and towns in Massachusetts, and considering about one-third of the municipalities are urban/suburban, the distribution of APR applications in the farming areas is very good.

Table 1. Status of Applications Received -- June 30, 1983

	<u>Number of Applications</u>	<u>Acres</u>	<u>Actual Purchase/Estimated Purchase Price</u>
A. Acquisition Complete	77	6,763	\$12,137,700.
B. Final Vote Completed: Under Purchase Agreement	16	1,755	\$ 2,086,300.
C. Voted to Appraise	75	8,684	\$15,631,200.*
D. Voted to Appraise but landowner refused offer. ¹	30	4,598	\$ 8,276,400*
E. Eligible projects awaiting action.	70	7,580	\$13,644,000.*
F. Little Likelihood of funding due to low rating.	77	5,908	\$10,629,000.*
G. Rejected.	<u>17</u>	<u>525</u>	\$ <u>945,000.*</u>
TOTAL	362	35,810	\$63,349,600.

¹ Landowners have initially refused offer, however, circumstances may change and the projects can become viable at anytime.

* Denotes estimated purchase price calculated by multiplying \$1800 (statewide average cost/acre) times the acreage of each group.

Table 2. Summary of Program Expenditures and Commitments as of June 30, 1983.

<u>Expenditure Item</u>	<u>Expenditure Amount</u>
Restriction Purchases	
Completed - 77 Properties	\$12,137,700.
Under Agreement - 16 Properties	\$ 2,086,300.
SUB-TOTAL	<u>\$14,224,000.</u>
Administrative Costs	
Appraisal Services	\$ 456,949.
Farmland Appraisal Report	\$ 25,750.
Legal Services	\$ 81,573.
Supplies and Equipment	\$ 6,377.
SUB-TOTAL	<u>\$ 570,649.</u>
<u>Total Program Expenditures</u>	<u>\$14,794,649.</u>

- 1 On a per acre basis, restriction purchases have an average cost of \$1700. to \$1800.
- 2 Administrative costs are four percent of the restriction purchase expenditure.

Table 3. Summary of Agricultural Preservation Restriction Program Acquisitions By Fiscal Year, 1980-1983.

	<u>Fiscal 1980</u>	<u>Fiscal 1981</u>	<u>Fiscal 1982</u>	<u>Fiscal 1983</u>	<u>Total</u>
Acquisitions Completed	2	16	24	35	77
Number of Acres	97	1431	2122	3113	6763
Acquisition Cost	\$280,000.	\$2,776,225.	\$3,744,350.	\$5,337,125.	\$12,137,700.
Town Contributions	\$ 25,500.	\$ 161,372.	\$ 178,585.	\$ 87,143.	\$ 452,601
Net Cost to Commonwealth	\$254,500.	\$2,614,852.	\$3,565,765.	\$ 5,249,982.	\$11,685,099

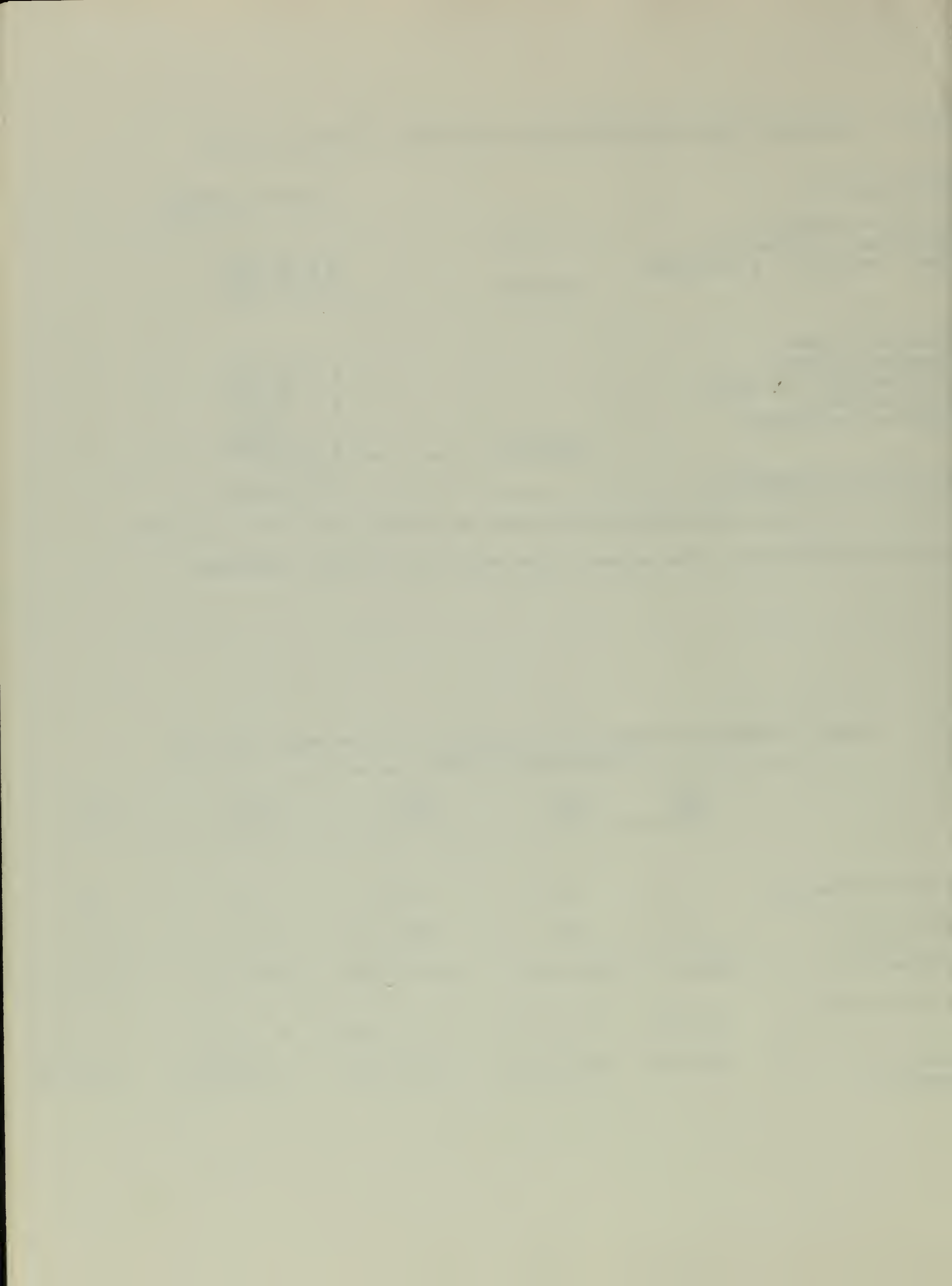
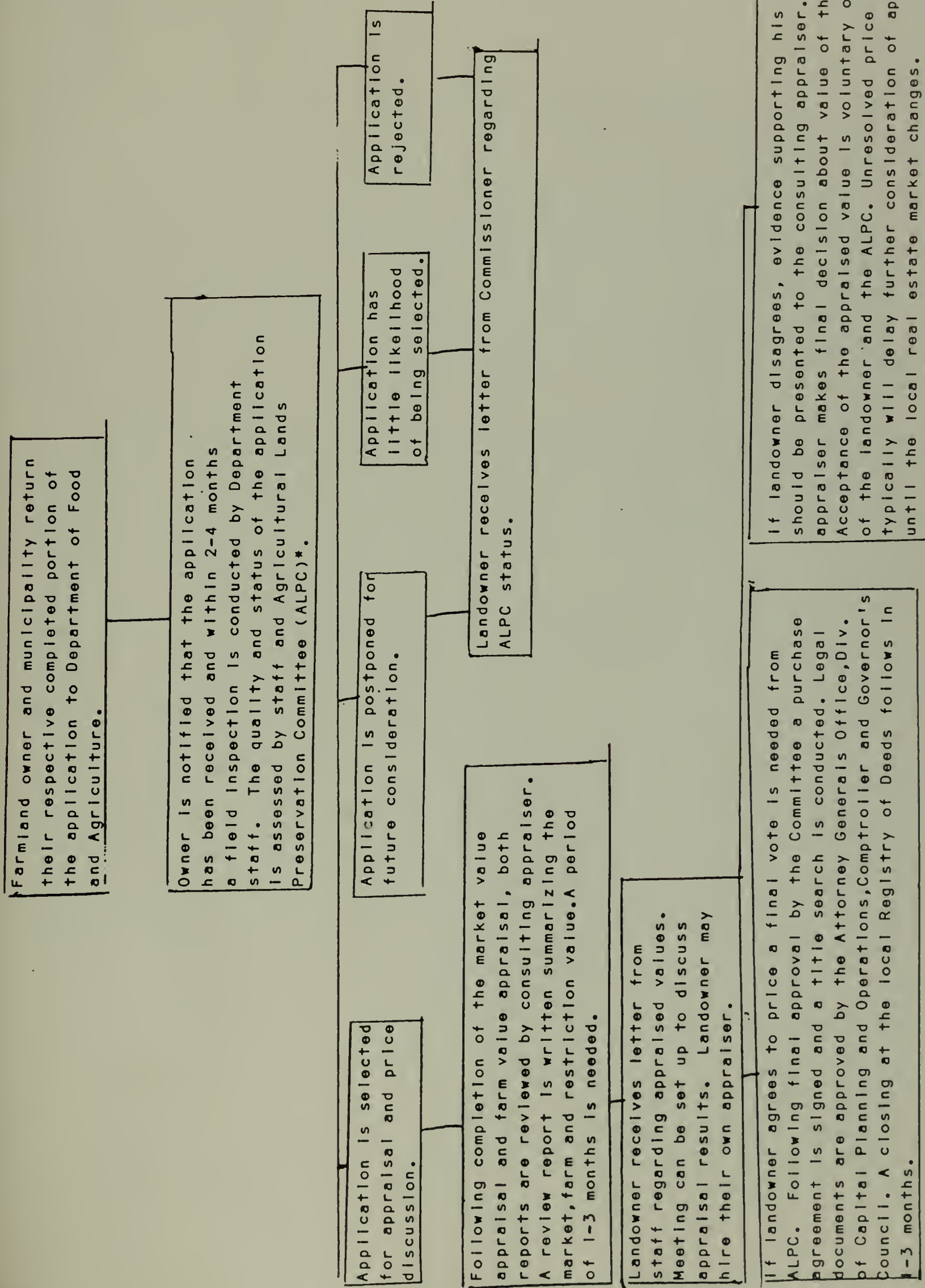


Table 4. County Location and Number of APR Applications Received as of June 30, 1983.

<u>County</u>	<u>Municipalities Represented</u>	<u>Number of Applications</u>	<u>Acreage</u>
Barnstable	4	4	312
Berkshire	8	18	3,043
Bristol	12	31	2,466
Dukes	3	5	394
Essex	13	38	3,047
Franklin	9	22	2,814
Hampden	9	21	1,993
Hampshire	13	59	5,432
Middlesex	21	44	2,486
Norfolk	8	16	884
Plymouth	14	27	2,975
Worcester	<u>32</u>	<u>77</u>	<u>9,964</u>
TOTALS*	146	362	35,810

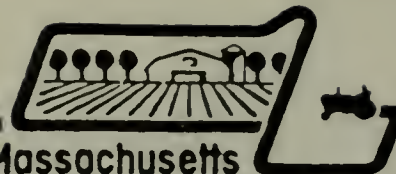
*Approximately 100 new applications are received each year, of which about one-half may be approved.

Table 5. Processing of an Agricultural Preservation Restriction Application.



*Members of Agricultural Lands Preservation Committee as established by statute. Commissioner, Dept. of Food & Agriculture, Secretary of Environmental Affairs, Secretary of Communities & Development, Chairman, Board of Food & Agriculture, four public appointments by Governor, two of whom must be farmers.

A P P E N D I C E S



AGRICULTURAL PRESERVATION RESTRICTION PROGRAM

Another irreplaceable block of farmland has recently been assured of permanent protection in the Town of Amherst. Mr. and Mrs. George Buczala and Mr. and Mrs. Wesley Wentworth have sold the development rights on their properties to the Commonwealth and the Town through a deed restriction which runs with the land in perpetuity. The town contributed \$10,000.00 toward the purchase, the fifth and sixth such projects in the past three years. Located off Bay Road in South Amherst, the farms support a herd of 50 Holstein cattle. Forage crops raised include corn silage and mixed clover, alfalfa and timothy hay.

The Buczala property consists of about 70 acres of tillable cropland, 30 acres of pasture and 20 acres of woodland. A network of small brooks and a farm pond supply water for the livestock. The restriction further protects the headwaters of Plum Brook, which runs through the Buczala property and which is part of a greenbelt being acquired by the Amherst Conservation Commission. Soils on the property are classified as "prime" (Class II) with 92 acres on the Merrimac and Sudbury fine sandy loam soils.

In 1821 the Bartlett Tavern stood on the site of the present Buczala farmhouse. It was a famous tavern in its day, and a favorite stopping point for stage coaches bound to and from Boston, some 12 hours away. The Tavern burned in 1876. Between 1876 and 1913 the land had apparently been used as an orchard. Hogs and strawberries were raised too. For a period of approximately forty years prior to the Buczala purchase, there was no farming activity on the land. The Buczalas bought the farm in 1953 from Edward Crickett.

The Buczalas have been renting a portion of an abutting 62 acre property owned by Pearl and Wesley Wentworth. Forage crops, hay and pasture are grown to supplement the home farm output. The soils on the Wentworth farm are also high quality with 57 of the 62 acres falling in the Class I-IV category, 36 acres of which is Class II. An agricultural preservation restriction has been purchased by the Commonwealth on this parcel. Formerly rented for pasture and hay production, the Wentworth property is now available for purchase by the Buczalas at its agricultural value.

MASSACHUSETTS



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DEPARTMENT of FOOD and AGRICULTURE

100 CAMBRIDGE STREET, BOSTON, MA 02202 Phone: 617-727-3000

Frederic Winthrop, Jr., Commissioner

AGRICULTURAL PRESERVATION RESTRICTION PROGRAM

It's not unusual to see school children clambering uphill between the rows of apple trees at the Smolak Farm in North Andover. Families are welcome at the farm from the annual "Apple Blossom Festival" held in May, and to the fall "You Pick" harvest of apples, peaches, nectarines and apricots. The farm is such a popular place that when one of the owner/operators wanted an apple for his lunch, he searched one of the orchards in vain!

Originally deeded to Captain Asa Stevens in 1746, this 110-acre farm has had a long, productive history. It was purchased by the Smolaks in 1927, and three generations have worked the land growing vegetables and fruit, milking cows and cutting cordwood for sale.

Keeping the farm intact, however, has not been easy for Michael Smolak, his mother Helen, brother Stephen and grandfather Martin. When Michael's father died in 1971, they began a ten year program designed to diversify the farm's production by adding 2,000 fruit trees. By changing and diversifying production from dairy to fruit, vegetables, Christmas trees and cordwood; the Smolaks managed to pay their taxes and earn a living, but the added burden of gift and inheritance taxes due to family deed transfers became more than the farm could bear.

The situation was compounded by a major growth spurt in North Andover, when over 2,000 housing units were built during the 1970's and projections for 1990 call for a population increase of fifty-one percent. As people moved to North Andover for its relatively low tax rates, excellent schools and attractive countryside, property values rose and expensive homes began to circle the farm. Therefore, by selling the development rights, the family hopes to preserve the land which represents centuries of hard work by their own family and ancestors.

After the appraisals were complete, the value of the development rights on this picturesque, rolling countryside revealed itself to be one of the highest encountered to date by the Agricultural Preservation Restriction Program. In support of the protection effort, the Town of North Andover contributed \$20,000, because the land straddles two watersheds one of which is Lake Cochichewick, the town's water supply. In announcing the farm's acceptance for development rights purchase, the Department of Food and Agriculture emphasized that prime farmland, with the kind of potential that the Smolak land possesses, merits preservation in all regions of the state.

While much of the payment for sale of the development rights will have to be earmarked for taxes, Michael hopes to make several capital improvements. His plans to fill some of the farm's current needs are typical of the investments made by many of the APR participants across the state such as building renovations, equipment replacement, additional land cleared for crops, and construction of a retail stand.

The Smolak farm will be the seventh to be preserved by the program in Essex County, making a total of 657 acres in this region alone over the past three years since the program's inception.

MASSACHUSETTS



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Southeastern Massachusetts is known as the cranberry region of the state, but a relatively long growing season and level topography have traditionally enabled dairying and vegetable production to flourish in the region as well.

One of the largest farms in the Town of Rochester, the so called Reynolds Farm, has been owned and operated by the White family for over fifty years. The family has been settled in the area for seventeen generations. The current owners' father, Raymond White, was one of the most outstanding farmers and soil conservationists in the Bay State and the "Reynolds Farm" is an enduring example of land conservation and reclamation.

The farm consists of a total of 195 acres, which includes 123 acres of tillable cropland, 72 acres of wooded land, and four ponds. The topography is level to slightly rolling and the predominant soils are designated by the U.S.D.A. Soil Conservation Service as Gloucester fine sandy loam and Merrimac sandy loam.

These two soil types comprise approximately ninety-eight acres of the farm and the Merrimac soils are classified as prime agricultural soils, while the Gloucester soils are classified as soils of state-wide and local importance for agriculture.

The farm buildings consist of a large ell shaped Gambel roof cow barn, associated out buildings and a farmhouse.

Originally a dairy farm, in 1976 the Whites were forced to sell their entire herd due to a terrible cow disease called brucellosis. The lack of milk receipts dealt a financial blow to their farm business. In order to maintain some income, the real estate was rented out to other farmers.

In the meantime, developers contacted the Whites hoping to purchase large tracts of land, but while the temptation to sell was strong, the Whites were determined to see the Reynolds Farm remain in agriculture. Presently, the land is rented to a commercial vegetable grower who is raising beans, sweet corn, cucumbers, cabbages, and escarole. In addition, they lease the dairy barn to an alfalfa sprout raising enterprise, which is engaged in producing fresh sprouts for local supermarkets and the New England Produce Market. And, finally, they applied to the Agricultural Preservation Restriction Program.

Now that the land is preserved by a deed restriction it will continue to be available for lease, or will be sold to a farmer at its agricultural value.

The Town of Rochester was very supportive of the Department of Food and Agriculture in the preservation of this farm. As the town officials said, "every effort should be made to retain farmlands and assist the farmer in this era of high operating costs."

